

EXHIBIT U



June 23, 2021

VIA ELECTRONIC MAIL

James Hansen, Senior Counsel
Affirmative Litigation Branch
Administrative and Civil Remedies Branch
Office of Counsel to the Inspector General
U.S. Department of Health and Human Services
Cohen Building, Room 5527
330 Independence Avenue, S.W.
Washington, D.C. 20201

Re: That certain Corporate Integrity Agreement (the "CIA") Between the Office of Inspector General of the Department of Health and Human Services (the "OIG") and Lincare Inc. ("Lincare"), made effective August 9, 2018, and Lincare's required notification under Section III. J. 1. a. of the CIA

Dear Mr. Hansen:

The following is Lincare's notification of a substantial Overpayment and repayment thereof.

- a. In November 2020, a Regional Healthcare Manager reported to the National Healthcare Services Manager concerning the lack of clinical documentation for non-invasive ventilators at a Lincare location in Huntington, WV. Based on this report, a chart audit was conducted on non-invasive ventilator patient files at the location. Lincare determined that clinical employees at this location had failed to adequately perform their job responsibilities. Specifically, the clinical employees failed to appropriately document patient compliance with the prescribed ventilator therapy and, when non-compliance was observed, to follow-up with the patient and then the prescriber, all as required by Lincare policy.
- b. Lincare policy was violated. This policy was implemented by Lincare to facilitate its compliance with various payor billing guidelines.
- c. The Federal healthcare programs affected by this Overpayment are: Medicare, Medicare Advantage, Medicaid, Managed Medicaid and Tricare.

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- d. To identify and quantify the Overpayment, Lincare stopped billing for those ventilator patients found to have inadequate documentation and assessed each affected patient individually for compliance with the prescribed therapy. Upon conclusion of this process, Lincare identified Overpayments totaling \$485,901.70.
- e. To correct the Overpayment, Lincare repaid all overpaid amounts to the appropriate payors. Copies of the notifications and repayments are enclosed herewith. To prevent same from recurring, Lincare terminated the Center Manager, who was responsible for oversight of all employees at the location, including the clinical employees. (The clinical employees who failed to adequately perform their job responsibilities had voluntarily resigned their positions before the investigation was completed.) In addition, Compliance staff, the National Healthcare Services Manager and the National Ventilator Manager conferred with local Lincare personnel weekly over a period of months to assess each patient's compliance with the prescribed therapy. Through this process, the local Lincare staff has been trained on, and become familiar with, Lincare policy requiring documentation of patient compliance with the prescribed therapy and, when non-compliance is observed, follow-up with the patient and, if necessary, the prescriber.

Should you have any questions regarding the foregoing, please contact me directly.

Very truly yours,



Jenna Pedersen

Enclosures